

Orders of the Royal Court.



I
1971

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 29th day of June, 1971, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin and Richard Alan Kinnersly, Esquires, Jurats.

No. 1 Order, 1971

ENTITLED

The Supplementary Benefit (Appeals and References) (Guernsey) Order, 1971

THE ROYAL COURT, in exercise of the powers conferred upon it by section fourteen of the Supplementary Benefit (Guernsey) Law, 1971(a), and of all other powers enabling it in that behalf, hereby orders:—

(a) Ordres en Conseil No. II of 1971.

PART I

References by the tribunal to the Court

Statement
of case
to be
submitted
to the
Court by
the
Chairman.

1. (1) If the tribunal is of opinion that a question of law has arisen, in connection with the determination of an appeal by it, which should be referred to the Court for decision under subsection (2) of section fourteen of the Law, the Chairman shall, within seven days of the decision of the tribunal so to refer such a question, prepare in writing under his hand a statement (hereafter in this Part of this Order referred to as a "statement of the case") setting out the question of law so to be referred and such particulars of the case as, in his opinion, are relevant to the determination of such question by the Court.

(2) The Registrar shall, as soon as practicable, send the statement of the case duly signed by the Chairman to the Greffier who shall acknowledge in writing to the Registrar the receipt by him thereof.

(3) The Registrar shall, as soon as practicable, send a copy of the statement of the case and of any amendment made thereto under the provisions of the next succeeding paragraph both to the Administrator and to the person concerned.

(4) The Greffier shall, within forty-eight hours of the receipt by him of a statement of the case, inform the Bailiff thereof and transmit the statement of the case to him.

Further
particulars
to be
furnished
to the
Court.

2. The Bailiff may, at any time, require the Chairman to furnish to the Greffier further particulars in writing, within such time as he may direct, with regard to any question referred to the Court and may, at any time, prior to the fixing of the date of the hearing for the purpose of determining such question allow the amendment of any statement of the

case by the Chairman and may extend the time for the preparation of any statement of the case by the Chairman laid down in sub-paragraph (1) of paragraph one of this Order.

3. (1) The Bailiff shall, as soon as practicable, decide on a date and a time for the hearing and the Greffier shall, within forty-eight hours of that decision being made known to him, notify the Registrar thereof: Notice of hearing by the Court.

Provided that the Bailiff shall not decide upon a date for the hearing which is less than fourteen clear days after the date of the receipt by the Greffier of the statement of the case referred to in sub-paragraph (2) of paragraph one of this Order.

(2) The Registrar shall, within forty-eight hours of the notification to him by the Greffier of the place, date and time of the hearing by the Court, notify the Chairman, the Administrator and the person concerned, in writing, of the place, date and time of the hearing.

PART II

Appeals from the tribunal to the Court

4. (1) Notice of appeal under subsection (3) of section fourteen of the Law by any person who is aggrieved by a decision of the tribunal on a question of law shall be in writing in the form set out in the Schedule to this Order and shall contain a statement of the contentions of law on which the appellant relies. Notice of appeal to the Court.

(2) Notice of appeal shall be sent to the Registrar within twenty-eight days after the date of the notice of the decision of the tribunal.

(3) The Registrar shall furnish to the Administrator or to the person concerned, as the case may require, a copy of the notice of appeal and of the documents attached thereto.

Date of hearing to be decided by the Bailiff.

5. (1) The Registrar shall, as soon as practicable, transmit a copy of the notice of appeal and of the documents attached thereto to the Greffier who shall acknowledge the receipt thereof.

(2) The Greffier shall, as soon as practicable, transmit the said notice and documents to the Bailiff and the Bailiff shall, as soon as practicable, decide upon a date and time for the hearing:

Provided that the Bailiff shall not decide upon a date for the hearing which is less than fourteen clear days after the date of the receipt by the Greffier of the notice of appeal.

(3) The Greffier shall, within forty-eight hours of the receipt of the Bailiff's decision, notify the Registrar of the place, date and time of the hearing.

(4) The Registrar shall, within forty-eight hours of such notification, notify the Administrator, the appellant and the person concerned of the place, date and time of the hearing.

PART III

General

Representation before the Court.

6. (1) The person concerned shall be entitled to be present during any hearing before the Court of any reference and may, if called upon to do so by the Court, address the Court in person, by a friend or by an Advocate of the Court.

(2) The Administrator shall be entitled to be present during any hearing before the Court of any reference and may, if called upon to do so by the Court, address the Court in person, by Her Majesty's Procureur or by such officer of the Authority as he may appoint for the purpose.

(3) The appellant, being a person other than the Administrator, shall be entitled to be present during any hearing before the Court of an appeal and to address the Court in person, by a friend or by an Advocate of the Court.

(4) The person concerned, in the case of an appeal by the Administrator, shall be entitled to be present during any hearing before the Court of an appeal and to address the Court in person, by a friend or by an Advocate of the Court.

(5) The Administrator, whether as the appellant or otherwise, shall be entitled to be present during any hearing before the Court of any appeal and to address the Court in person, by Her Majesty's Procurer or by such officer of the Authority as he may appoint for the purpose.

7. (1) The Court may, if it thinks fit, call for such documents and examine such persons (including the Chairman) on oath, affirmation or otherwise as appear likely to afford evidence relevant and material to any question of law to be determined by the Court.

Procedure
before the
Court.

(2) Any party to a reference who is authorised to do so by the Court, and any party to an appeal, may cause a summons to be served on any person, in the same manner as a summons may be served upon any person in respect of a civil action before the Court sitting as an Ordinary Court summoning that person to attend any hearing of that Court for the purpose of giving evidence or producing any document likely to assist the Court in determining the question of law referred, or which is the subject of an appeal, to it and a person so summoned shall be under a like obligation as to the giving of any evidence and the production of any document as if he were so summoned in respect of such an action.

(3) The Court may adjourn the hearing of any reference or appeal from time to time as it may think fit.

(4) If after it has been proved to the satisfaction of the Court that both of the parties to a reference or appeal, as the case may be, have been notified of the place, date and time of the hearing of the reference or appeal, and one or both of the parties fails to appear at that hearing, the Court may proceed to determine the reference or appeal, as the case may be, in the absence of both or either of them.

(5) Save as otherwise expressly provided in this Order, the procedure at the hearing of any reference or appeal shall be such as the Court may, from time to time, determine.

Notification
of decision
of the Court.

8. (1) The decision of the Court on any question of law referred to it by the tribunal shall be in writing, signed and sealed by the Greffier and shall, forthwith upon the making thereof, be transmitted by him to the Registrar.

(2) The Registrar shall notify the Chairman forthwith of the receipt by him of a decision of the Court on any question of law referred to it by the tribunal, and shall send him a copy of that decision.

(3) The decision of the Court on any appeal to it from the tribunal shall be in writing, signed and sealed by the Greffier and shall, forthwith upon the making thereof, be transmitted by him to the Registrar.

(4) The Registrar shall, as soon as practicable, send both to the Administrator and to the appellant or to the person concerned, as the case may be, a copy of the decision of the Court on any appeal to it from the tribunal.

9. Any notice or other document required to be given or sent to any person, to the Registrar, to the Administrator or to the Greffier under the provisions of this Order shall be deemed to have been given or sent if it were sent by post, in the case of any person, to that person at his ordinary or last known address, or, in the case of the Registrar or the Administrator, to the office of the Authority, or, in the case of the Greffier, to the Greffe.

Notice by
post.

10. (1) The costs of any reference shall be paid by the Authority.

Costs.

(2) The costs of any appeal shall be in the discretion of the Court, who may direct to and by whom and in what manner those costs or any part thereof shall be paid and may settle the amount of costs to be so paid or any part thereof.

11. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“ the Administrator ” has the same meaning as in the Law;

“ the Authority ” has the same meaning as in the Law;

“ the Chairman ” means the Chairman of the tribunal and includes the Deputy Chairman of the tribunal;

“ the Court ” means the Royal Court;

“ the Greffier ” means Her Majesty’s Greffier and includes any Deputy Greffier;

“ hearing ” means an oral hearing;

“ Her Majesty’s Procureur ” includes Her Majesty’s Comptroller;

“the Law” means the Supplementary Benefit (Guernsey) Law, 1971;

“parties to an appeal” means the Administrator and the appellant or the person concerned, as the case may be, and “parties to a reference” means the Administrator and the person concerned;

“person concerned” means, in relation to any reference and in relation to an appeal by the Administrator, the person who has appealed to the tribunal against the decision of the Administrator under subsection (1) of section fourteen of the Law;

“the Registrar” means the Registrar of Appeals appointed in accordance with the Supplementary Benefit (Implementation) Ordinance, 1971(b); and

“the tribunal” means a tribunal appointed by the Court under subsection (1) of section fourteen of the Law.

(2) The Interpretation (Guernsey) Law, 1948(c), applies to the interpretation of this Order as it applies to the interpretation of an enactment.

(3) Any reference in this Order to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment.

Repeal.

12. The Non-Contributory Pensions (Appeals and References) (Guernsey) Order, 1955(d), is hereby repealed.

(b) No. XXXVIII of 1971.

(c) Ordres en Conseil Vol. XIII, p. 355.

(d) No. VI of 1955.

13. This Order may be cited as the **Supplementary Citation. Benefit (Appeals and References) (Guernsey) Order, 1971.**

14. This Order shall come into force on the **Commence-
twenty-ninth day of June, nineteen hundred and ment.
seventy-one.**

SCHEDULE Section four

*The Supplementary Benefit (Guernsey) Law, 1971
Notice of appeal to the Royal Court*

To the Registrar of Appeals,
States Insurance Authority,
St. Peter Port,
Guernsey.

I, _____ of _____, being aggrieved by a decision of a tribunal on a question of law given on the day of _____, 19____, under the Supplementary Benefit (Guernsey) Law, 1971, hereby give notice of appeal against the said decision. The contentions of law upon which I rely in support of my appeal are set forth in the particulars hereto attached.

In support of this appeal the following documents are sent herewith:—

(Insert list of all documents sent with this notice).

Dated this _____ day of _____, 19____.

Signature
Appellant.

Particulars in support of appeal.

N.B.—The particulars furnished on this form and all other information which may be sent to the Registrar of Appeals by or on behalf of an appellant in connection with his or her appeal will be disclosed to the Administrator. A copy of the tribunal's decision must be furnished.

R. H. VIDELO,
Her Majesty's Greffier.